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Attorney Docket No: P51339  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Boehm et al.

Serial No.: 10/511,770

Group Art Unit No.: 1624

Filed: 3 March 2006

Examiner: Truong, T.

For: NOVEL COMPOUNDS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Petitioner, SmithKline Beecham Corporation, of One Franklin Plaza, 200 North 16<sup>th</sup> Street, Philadelphia, PA, 19103, USA, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/511,770 filed 3 March 2006 for NOVEL COMPOUNDS in the names of Jeffrey BOEHM, Katherine WIDDOWSON, James CALLAHAN, and Zehong WAN, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 016897, Frame 0717 on 18 October 2005. Petitioner further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 7,314,881, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 014404 Frame 0463, on 18 April 2003.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 7,314,881. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of

time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

Dated: 14 April 2009



By:

Dara L. Dinner  
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